

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

TRUMP YOUR COMPETITION, INC.,

Plaintiff-Applicant,

v.

DONALD J. TRUMP

Defendant-Opposer.

In re Proceeding No. 91217618,
(Currently pending before the
Trademark Trial and Appeal Board)

Misc. Proc. No. 15 Misc. 0400

**DECLARATION OF
NETRA SREEPRAKASH**

I, Netra Sreeprakash, declare pursuant to 28 U.S.C. § 1746 as follows:

1. I am an attorney duly admitted to practice law in this Court and am counsel to the applicant, Trump Your Competition, Inc. I respectfully submit this declaration in support of TYC's motion to compel compliance by the opposer, Donald J. Trump, with a subpoena to testify at a deposition served by TYC.

2. Annexed hereto as Exhibit A is a true and correct copy of the Registration for the mark "Trump Your Competition," which was registered by TYC's majority shareholder, Anthony Seruga, on May 23, 2006 in the United States Patent and Trademark Office ("USPTO") Service Mark Principal Register (Reg. No. 3,095,214).

3. Annexed hereto as Exhibit B is a true and correct copy of the USPTO Examiner's Amendment dated September 8, 2005 respecting the application for registration of the mark "Trump Your Competition," which, as mentioned above, subsequently was registered.

4. Annexed hereto as Exhibit C is a true and correct copy of TYC's Application for Registration of the mark "Trump Your Competition," dated November 12, 2013.

5. Annexed hereto as Exhibit D is a true and correct copy of the USPTO Notice of Publication for the mark "Trump Your Competition," dated March 19, 2014.

6. Annexed hereto as Exhibit E is a true and correct copy of the Notice of Opposition to registration of the mark “Trump Your Competition” (without the exhibits) filed by Mr. Trump on July 28, 2014.

7. Annexed hereto as Exhibit F is a true and correct copy of the Applicant’s Answer to Petitioner’s Notice of Opposition and Applicant’s Affirmative Defenses filed by TYC in support of its application on August 29, 2014.

8. Annexed hereto as Exhibit G is a true and correct copy of a letter from Rod Underhill, counsel for TYC, to Natasha Reed and Lena Saltos, counsel for Mr. Trump, with accompanying Notice of Taking Testimony Deposition, each dated November 6, 2015. The noticed deposition of Mr. Trump was scheduled to take place in New York, New York on January 5, 2015, but Mr. Underhill advised Mr. Trump’s counsel that he would be “flexible respecting location, date and time so long as it’s within the defendant’s 30-day trial period.”

9. Annexed hereto as Exhibit H is a true and correct copy of a Subpoena to Testify at a Deposition in a Civil Action signed by the Clerk of this Court, dated November 10, 2015

10. Annexed hereto as Exhibit I is a true and correct copy of the Affidavit of Service sworn to on November 12, 2015 attesting that Mr. Trump was served with the subpoena at his place of business on November 10, 2015 and also served with a copy of the subpoena by first class mail on November 11, 2015.

11. Annexed hereto as Exhibit J is a true and correct copy of a letter from Ms. Reed to Mr. Underhill dated November 25, 2015 claiming that, “[g]iven Mr. Trump’s status as a high-profile, high-level executive of The Trump Organization, his unfamiliarity with the facts and issues involved in this proceeding, and his busy schedule, Mr. Trump is not an appropriate witness to be questioned in this matter.”

12. Annexed hereto as Exhibit K is a true and correct copy of an email from Mr. Underhill to Ms. Reed dated December 2, 2015 in which Mr. Underhill reiterated that “if Mr. Trump will submit to the subpoena without filing a Motion to Quash, we will do our best to provide a date of his selection within [TYC’s] trial calendar period as set by the Board, and a location within the continental United States that he might prefer.”

13. Annexed hereto as Exhibit L is a true and correct copy of an email from Mr. Underhill to Ms. Reed dated December 3, 2015 in which he again repeated his offer to “work with [Mr. Trump’s counsel] to schedule his appearance on another date within the defense trial period as well as scheduling the testimony deposition in any other state of the continental United States if Mr. Trump confirms he will honor the subpoena by close of business tomorrow.”

14. Annexed hereto as Exhibit M is a true and correct copy of an email chain between Mr. Underhill and Ms. Reed dated December 4, 2015 in which Ms. Reed states that she “will be moving to quash the subpoena.”

15. As evidenced by the annexed correspondence between counsel for TYC and counsel for Mr. Trump, TYC has made a good faith effort to resolve this discovery dispute, but to no avail.

16. To our knowledge, Mr. Trump has not yet moved to quash the subpoena.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: December 10, 2015


Netra Sreeprakash